

CITYbeat

Naked City

Students sue city, school district for illegal strip searches.

By Daisy Fried

The six University City High School students were going about their business last Nov. 5 when they were rounded up, brought down to the office and one by one, taken into a side room and ordered to take off their clothes. A female student at the school at 36th and Filbert had reported the theft of a wallet containing \$70 from her purse during a class in which the six boys were students.

"That prompted them to quote-unquote round up the usual suspects from the hallway and from classrooms and ordered them down to the office," said Michael C. Schwartz, a criminal defense and civil rights lawyer who filed suit last week in Federal District Court on behalf of the boys, whom he is representing along with another attorney, Arthur B. Jarrett.

The boys, Daniel Allen, Naim Cook, Ryan Keitt, Franklin Mack Jr., Juan Maestre and Aaron Walker, were among a larger group of male students called down to the office as school authorities, under the direction of UC High's Dean of Students Lewis Williams, tried to determine what had happened to the wallet.

The suit contends that the boys' Fourth Amendment right to pro-

tection against unreasonable search and seizure was violated. It names as defendants several non-teaching assistants named "Mr. Leigh," "Mr. Gunby" and others, along with Williams, UC Principal James Lytle, the school district and the city of Philadelphia.

According to Schwartz, after the boys were called in from school hallways or classrooms, four of the six involved in the lawsuit were ordered to strip down to their underwear. One had to strip naked from the waist down, after which a school authority lifted his shirt "revealing the entirety of his

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already exposed naked buttocks," says the complaint filed June 4.

The sixth boy was ordered to strip naked, bend over and spread the cheeks of his buttocks, the suit alleges. Others of the boys had their lockers or their book bags searched, and one was patted down while he was in his underwear, said Schwartz.

"There were also verbal threats to the effect that 'If you don't

cooperate you'll be suspended. So if you want to call your mother or your lawyers go right ahead," said Schwartz. "Then they were taken individually into small rooms that surround the common area, with one other person present. Nothing was found on any of my clients, and they were told to go on their way."

Schwartz says school authorities did no real investigation into who the perpetrator was. "They never asked the boys did they do it or know who did it."

Schwartz declined to let *City Paper* interview the boys. "They're mostly 18 now, but they're still kids and I'd rather have them wait till they have their day in court," he said. "They were embarrassed and humiliated by the search. They felt powerless."

Besides the civil rights violations, the suit also complains that school authorities committed a

said disciplinary action had been taken against some of the school's employees but declined to say what and against whom. Williams, still employed by the school, didn't return repeated phone calls.

Lytle said that in spite of his apology he believed that the incidents weren't as serious as they'd been made out to be.

"I'm not claiming the actions were appropriate. We may well have done things in violation of school district policy. But based on various investigations that have taken place since the incident it appears the violations were less serious than has previously been described."

He declined to give details.

"That will come out in court," he said.

Lytle said that the rules regarding searches on school property are less strict than "out on the street. It's legal to have dogs sniff lockers and to do weapons scans. If a student is alleged to have a weapon [by a witness] we can pat students down."

A page from the School District of Philadelphia's policy and procedure manual states that searches of students or their possessions can only be conducted when there is reasonable suspicion that there has been a criminal infraction or violation of rules, that the individual student in question participated in the violation and that evidence of the violation would be found on the student or the infractions.

In addition, school district policy forbids strip searches, which it defines as exposure of bare skin or undergarments above the knees and below the neck.

The missing money was recovered, said both Lytle and Schwartz.

"From a boy involved in the search," Lytle said, though he wouldn't say which boy and whether it was one of those suing him.

Schwartz said he heard that it was found on another boy, not one of his clients.

Paul Hanson, spokesman for the school district, said he couldn't discuss a matter in litigation.

Schwartz expressed frustration with the school district. "We feel we've been reasonable in attempting to resolve this matter over the course of the last six months. I'm starting to feel as though the school board is being inattentive or purposely dilatory. Their response has been that this was a fabrication. That adds insult to injury to these young men."

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Show me the
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By Fr

The Fraternal (FOP) Philadelphia the American Civil Foundation of (ACLU) are clashing ability.

This time, however, that's demanding an ACLU that seems to provide them.

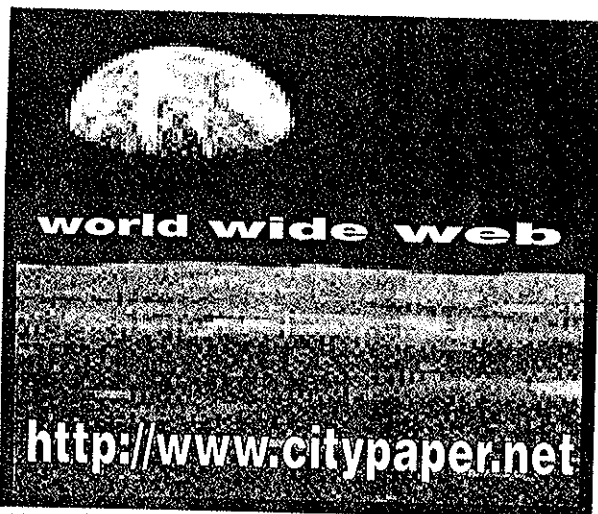
Last month, FO Richard Costello, ACLU Foundation Director Larry Drating to examine all contributions to your organization past five years. Costello's interest is in belief that "numerous have contributed to the erosion of the role and purpose of weakening the responsiveness of the Police Department."

The ACLU's response is enthusiastic. "I was being screwed myself," Costello turned to attorney David R. tersely suggested in that Costello's chief Pennsylvania Department.

"The information the Department of State the American Civil Foundation of Pennsylvania required to disclose wrote,

Technically, he's right to Dan Langan, director of information for the Charities Information Washington, DC-based of charitable and non-profits. Lists of donations considered public records are not required. They certainly are, however, and Langan do.

What Rudovsky fails to mention, however, is that anyone else who's interested in the ACLU's IRS form 990 ("private foundation") copy, for a minimal per-copy charge, at the ACLU's normal business hours says Langan, is mandating Taxpayers' Bill of Rig



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